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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,116	12/21/2001	Rod Walsh	4208-4041	7018
27123	7590	11/19/2007		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER VU, THONG H	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 11/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/032,116

Applicant(s)

WALSH ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 24-65 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.

Specification

3. The specification of the disclosure is objected to because :
i.e.: www.nokia.com; www.demogames.com ; <http://www.statistics.com>
Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

Claims 24-65 are rejected under 35 U.S.C. 102(e) as being anticipated by McCarthy et al [6,904,408 B1].

4. Claim 24, McCarthy discloses A method, comprising:
monitoring an interaction network [McCarthy, monitoring, measures interactive of the network, col 37 lines 43-12];
obtaining one or more measurement values corresponding to the monitoring of the interaction network [McCarthy, obtain select the best choice in item of content, col 41 lines 25-30];

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selecting data, wherein selection is based upon one or more of the measurement values corresponding to the monitoring of the interaction network [McCarthy, selection, col 30 lines 43-52; selected from choices, col 41 lines 35-40]; and
sending the selected data over a multicast network [McCarthy, multicast, col 14 line 46].

5. Claim 35, McCarthy discloses A method, comprising:

providing, via an interaction network, one or more requests [McCarthy, monitoring, measures interactive of the network, col 37 lines 43-12]; and

receiving, over a multicast network, selected data through a local proxy, wherein monitoring of the interaction network is performed, wherein one or more measurement values corresponding to the monitoring of the interaction network are obtained [McCarthy, porxy, col 10 line 34], and

wherein selection of the data is based upon one or more of the measurement values corresponding to the monitoring of the interaction network [McCarthy, selection, col 30 lines 43-52; selected from choices, col 41 lines 35-40].

6. Claim 44, McCarthy discloses An apparatus, comprising:

a memory having program code stored therein; and a processor disposed in communication with the memory for carrying out instructions in accordance with the stored program code; wherein the program code, when executed by the processor, causes the processor to perform monitoring an interaction network [McCarthy, monitoring, measures interactive of the network, col 37 lines 43-12];

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obtaining one or more measurement values corresponding to the monitoring of the interaction network [McCarthy, obtain select the best choice in item of content, col 41 lines 25-30] selecting data, wherein selection is based upon one or more of the measurement values corresponding to the monitoring of the interaction network [McCarthy, selection, col 30 lines 43-52; selected from choices, col 41 lines 35-40]; and sending the selected data over a multicast network [McCarthy, multicast, col 14 line 46].

7. Claim 45, McCarthy discloses the multicast network is unidirectional as a design choice.

8. Claim 46, McCarthy discloses the interaction network is bidirectional as a design choice.

9. Claim 47, McCarthy discloses in monitoring the interaction network, a predetermined number of requests for a page are recognized, and wherein selecting the data comprises selecting a promotional file [McCarthy, hit, col 13 lines 5-12].

10. Claim 48, McCarthy discloses the data is selected based upon number of requests for the data [McCarthy, click stream help web site owner understand whichh page are view the most, col 10 lines 51-58].

11. Claim 49, McCarthy discloses the data is selected based upon number of requests for the data that originate from a broadcast cell [McCarthy, hit, col 13 lines 5-12].

12. Claim 50, McCarthy discloses selecting the data comprises prediction based on normal subsequent data choice [McCarthy, predictive technology, Fig 2].

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13. Claim 51, McCarthy discloses the data is selected based upon chance of link from requested data being followed [McCarthy, selection, col 30 lines 43-52; selected from choices, col 41 lines 35-40].

14. Claim 52, McCarthy discloses a sponsor policy is employed [McCarthy, set of rules, col 43 line 14].

15. Claim 53, McCarthy discloses the monitoring comprises employment of a network management agent [McCarthy, network management tools, col 18 line 61].

16. Claim 54, McCarthy discloses the monitoring comprises employment of a proxy [McCarthy, porxy, col 10 line 34].

17. Claim 55, McCarthy discloses An apparatus, comprising:
a memory having program code stored therein; and a processor disposed in communication with the memory for carrying out instructions in accordance with the stored program code; wherein the program code, when executed by the processor, causes the processor to perform:
providing, via an interaction network, one or more requests [McCarthy, monitoring, measures interactive of the network, col 37 lines 43-12]; and receiving, over a multicast network [McCarthy, multicast, col 14 line 46], selected data through a local proxy, wherein monitoring of the interaction network is performed, wherein one or more measurement values corresponding to the monitoring of the interaction network are obtained [McCarthy, porxy, col 10 line 34], and
wherein selection of the data is based upon one or more of the measurement values

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corresponding to the monitoring of the interaction network [McCarthy, selection, col 30 lines 43-52; selected from choices, col 41 lines 35-40].

18. Claim 64, McCarthy discloses An article of manufacture comprising a computer readable medium containing program code that when executed causes an apparatus to perform:

monitoring an interaction network [McCarthy, monitoring, measures interactive of the network, col 37 lines 43-12];

obtaining one or more measurement values corresponding to the monitoring of the interaction network [McCarthy, selection, col 30 lines 43-52; selected from choices, col 41 lines 35-40];

selecting data, wherein selection is based upon one or more of the measurement values corresponding to the monitoring of the interaction network; and

sending the selected data over a multicast network [McCarthy, multicast, col 14 line 46].

19. Claim 65, McCarthy discloses An article of manufacture comprising a computer readable medium containing program code that when executed causes an apparatus to perform: providing, via an interaction network, one or more requests [McCarthy, monitoring, measures interactive of the network, col 37 lines 43-12]; and receiving, over a multicast network [McCarthy, multicast, col 14 line 46], selected data through a local proxy, wherein monitoring of the interaction network is performed, wherein one or more measurement values corresponding to the monitoring of the interaction network are

obtained [McCarthy, porxy, col 10 line 34], and
wherein selection of the data is based upon one or more of the measurement values
corresponding to the monitoring of the interaction network [McCarthy, selection, col 30
lines 43-52; selected from choices, col 41 lines 35-40]

20. Claims 25-34,36-43,56-63 contain the identical limitations set forth in claims 45-54. Therefore claims 25-34,36-43,56-63 rejected for the same rationale set forth in claims 45-54.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Thong H. Vu* whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jay Patel* can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner

THONG VU
PRIMARY PATENT EXAMINER

